

(1)

FILED

JULY 19 2022

CLERK'S OFFICE, EASTERN DISTRICT OF CALIFORNIA
BY SECURITY CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ATTENTION

EASTERN

DISTRICT COURT
NUMBER(S)

CVR. MAURICE Miles, SR

THE POET

2:19-cv-01881

MCE

Plaintiff

Plaintiff

CRD

V. GARLAND ET AL,

6 And People of THE STATE

Motion to

7 of California ET AL

MOVE THE

8 Defendant(s)

COURT JUDGES

9

TO RE-OPEN

10 Federal Question

All following

11 1331 1332

EASTERN DISTRICT COURT

12 1333 1334

11 CASES, AND GRANT RELIEF

13

Plaintiff SEEK FROM

14 42 U.S.C. 1986

ALL CASES ABOVE AND

15

BELOW, IN THE NAME OF

16 NIXON V.

"JUSTICE"

17 U.S. 1974

2:21-cv-01143-TLN-DB (HC)

18 MARYLAND

2:21-cv-00989-KJW-AC (PC)

19 V. BRADY

2:14-cv-02190-TLN-EFB (HC)

20 1963

1:14-cv-01683-SKO (PC)

21 MURDURY

1:14-cv-01606-SKO (HC)

22 MADISON

Plaintiff's DUE PROCESS HAS

23 1803

BEEN SABOTAGED, UNFAIR

24 STRICKLAND

V. WASHINGTON

25 1984

COMPETITION, CRUEL AND

26

UNUSUAL PUNISHMENT, 1ST

27

4TH 5TH 6TH 7TH 8TH AND 14TH

28

AMENDMENT VIOLATION, S...

Plaintiff SEEK RELIEF

FROM THESE PARTIES

VIOLATION(S)

(D.)

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(1.)

Plaintiff SEEK "Relief" FROM
THE ABOVE EASTERN DISTRICT COURT
CASES IN THE NAME OF JUSTICE...
Re-OPEN ALL THE CASES THAT'S BEEN
CLOSED DUE TO UNFAIR COMPETITION
And DUE PROCESS VIOLATION(S)...

Plaintiff was "FALSILY CHARGED"
And "Convicted" on FALSE AND
PERJURED TESTIMONY AND FOR
EVIDENCE, FROM A 2011 CASE,
WHERE Plaintiff WAS ULTIMATELY
Found "NOT GUILTY" FOR CHARGES
And FOR COUNT'S (1); (2); (3); (4). And

(5) (REF: MARBURK V. MADISON 1803
6th U.S. CONSTITUTIONAL RIGHT
STRICKLAND V. WASHINGTON 1984
TITLE VI CIVIL RIGHTS ACT 1964)

THE PEOPLE OF THE STATE OF CALIFORNIA
found Plaintiff "NOT GUILTY"...

THE LOS ANGELES DISTRICT ATTORNEY
FAIL TO PROVE HIS CASE BEYOND
A REASONABLE DOUBT... ALSO SEE
NIXON V. U.S. 1974.

(2)

IT IS A REQUIREMENT THAT

(3).

5 CANNOT BE DEEMED TO BE SATISFIED
3 BY MERE NOTICE AND HEARING IF A
4 STATE HAS CONTRIVED A CONVICTION
5 THROUGH THE PRETENSE OF A TRIAL
6 WHICH IN TRUTH IS BUT USED AS A
7 MEANS OF DEPRIVING A DEFENDANT
8 OF LIBERTY THROUGH A DELIBERATE
9 DECEPTION OF COURT AND JURY BY
10 THE PRESENTATION OF TESTIMONY
11 KNOWN TO BE PERJURED... SUCH
12 A CONTRIVANCE BY A STATE TO
13 PROCURE THE CONVICTION AND
14 IMPRISONMENT OF A DEFENDANT
15 IS AS INCONSISTENT WITH THE
16 RUDIMENTARY DEMANDS OF
17 JUSTICE AS IS THE OBTAINING OF A
18 LIKE RESULT BY INTIMATION...

19 SEE ALMEIDA V. BOLDI 195 F.2D 815 33;
20 THOMPSON V. DKE 221 F.2D 763
21 MOONET V. HOPKINS 294 U.S. 103, 112
22 55 S CT 340 342...

(3)

25 IN PRYCE V. KANSAS 317 U.S. 213, 215
26 216, 63 S CT 177, 178, 87 L ED 214:
27 PETITIONER'S PAPER'S ARE INEXPERIENCED
28 KNOWN. BUT THEY DO SET FORTH

(4).

2 ALLEGATION'S THAT HIS IMPRISONMENT
3 RESULTED FROM PERJURED
4 TESTIMONY KNOWN BY USED BY
5 THE STATE AUTHORITIES TO OBTAIN HIS
6 CONVICTION AND FROM THE DELIBERATE
7 SUPPRESSION BY THOSE SAME
8 AUTHORITIES OF EVIDENCE FAVORABLE
9 TO HIM... THESE ALLEGATIONS
10 SUFFICIENTLY CHARGE A DEPRIVATION
11 OF RIGHTS GUARANTEED BY THE
12 FEDERAL CONSTITUTION, AND IF
13 PROVEN WOULD ENTITLE PETITIONER
14 TO BE RELEASED FROM HIS PRESENT
15 CUSTODY; MOONET V. HOLLOWAY 294 U.S.
16 103, 55 S.Ct 340, 79 L.Ed 791...

(4).

18 NAPOLEON V. ILLINOIS 360 U.S. 264 269
19 79 S.Ct 1173, 3 L.Ed. 2d 1217:
20 THE SAME RESULT OBTAINS WHEN THE
21 STATE, ALTHOUGH NOT SOLICITING FALSE
22 EVIDENCE ALLOWS IT TO GO UNCORRECTED
23 WHEN IT APPEARS... AND SEE
24 ALCORTA V. TEXAS 362 U.S. 607, 80 S.Ct
25 103, 2 L.Ed. 2d 9.; WILDE V. WYOMING
26 362 U.S. 607, 80 S.Ct 900 4 L.Ed. 985 Cf.
27 DURKEE V. MAY 351 U.S. 277, 285, 76
28 S.Ct 806 811 100...

(5)

1 THE COURT now hold that.
2 SUPPRESSION BY THE PROSECUTION
3 OF EVIDENCE FAVORABLE TO AN
4 ACCUSED UPON REQUEST VIOLATES
5 DUE PROCESS WHERE THE EVIDENCE
6 IS MATERIAL EITHER TO GUILT OR
7 TO PUNISHMENT, IRRESPECTIVE OF
8 THE GOOD FAITH OR BAD FAITH OF
9 THE PROSECUTION ... SEE GILES V.
10 STATE 229 Md. 370 183 A.2d 359
11 WHEELER V. STATE 42 Md. 543, 570
12 BELL V. STATE 57 Md. 108, 120
13 BEARD V. STATE 71 Md. 275, 280-17
14 1044, 1045
15 DICK V. STATE 107 Md. 11, 21 68 A.2d 286;
16 290 cf.
17 VOGEL V. STATE 163 Md. 267 162 A. 705.
18
19
20 (5).

21 SEE Plaintiff's CASE in
22 2:21-cv-00989-KJM-AC (PC)
23 NILES V. SCHUBERT ET AL. FILED
24 6-3-2021. In this CASE
25 Plaintiff APPEAL FROM THE
26 illegal ACT'S THAT HAS BEEN IMPOSED
27 AGAINST HIM; and SEEK RELIEF FROM
28 THOSE PROCEEDINGS... Plaintiff

(4).

2 is now detained at a "STATE"
3 "HOSPITAL", due to an ineffective,
4 incompetent, lazy Los Angeles
5 "public defender" and/or "an less"
6 "RACKETEER FRAUD COURT SYSTEM!"
7 WHERE detainee's are being found
8 incompetent to stand trial
9 for no valid or reasonable
10 reason ETC ETC ETC...
11

12 (4) THE KYLIES COURT
13 SPECIFICALLY STATED THAT THE
14 PROSECUTION HAS A DUTY TO DISCLOSE
15 MATERIAL EXONERATORY EVIDENCE
16 THAT THE DEFENSE MIGHT USE TO
17 ATTACK THE CHARACTER AND
18 SUBSTANCE OF THE COMMONWEALTH'S
19 INVESTIGATION IN SHORT; EVIDENCE
20 OF SHODDY POLICE WORK CAN BE
21 EXONERATORY EVIDENCE FOR THE
22 DEFENDANT...

23 THERE ARE ANY NUMBER
24 OF WAY'S DEFENSE COUSSEL CAN
25 INDUCE DISCLOSURE OF MISTAKE
26 OR BAD FAITH IN A POLICE
27 INVESTIGATION... REQUEST ARE BEST
28 DIRECTED AT EVIDENCE REGARDING

(7)

2 OTHER Potential OR ACTUAL
3 SUSPECT'S LEAD'S AND informant's
4 THAT THE POLICE WERE AWARE OF
5 AND PRIOR INCONSISTENT
6 STATEMENT'S OR IDENTIFICATION'S...

7 AS THE KELLES COURT SUGGEST'S
8 EVIDENCE THAT POLICE DID NOT
9 PURSUE CERTAIN SUSPECT'S OR
10 LEAD'S DIRECTLY RELATED TO
11 THE QUALITY OF THE INVESTIGATION
12 AND MAY BE EXONERATORY TO
13 THE DEFENSE...

14 KELLES MAKES CLEAR THAT
15 THE PROSECUTOR MUST ACCOUNT
16 FOR ALL "COMMONWEALTH" ACTOR'S
17 AND ANY EXONERATORY EVIDENCE
18 GATHERED BY THOSE "ACTOR'S" IN
19 ORDER TO FULFILL ITS
20 RESPONSIBILITY. THE INDIVIDUAL
21 PROSECUTOR HAS A DUTY TO LEARN
22 OF ANY FAVORABLE EVIDENCE
23 KNOWN TO THE OTHER ACTING ON
24 THE GOVERNMENT'S BEHALF IN
25 THE CASE, INCLUDING THE POLICE...

26 IN ORDER TO TARGET ALL POSSIBLE
27 LINES OF COMMUNICATION
28 REDACTED TO THE PROSECUTOR.

(8)

2 DEFENSE ATTORNEY'S IN THEIR
 3 DISCOVERY MOTIONS SHOULD
 4 REQUEST SUCH INFORMATION FROM
 5 ALL LAW ENFORCEMENT ACTORS...

6 UNITED STATES V. SPERLING 726 F.2d 71
 7 72 (1984); KING V. PENTE 717 F.2d 635
 8 (CA1 1984); UNITED STATES V. OXMIAH 740
 9 F.2d 1298, 1311 (1984) UNITED STATES V.
 10 HASTING 461 U.S. 499, 516, 517 (1983)

11 ALSO SEE THE JENCK ACT, 18 U.S.C. § 3500;
 12 CALIFORNIA V. TROMBETTA 467 U.S. 479
 13 488 (1984); BERGER V. U.S. 295
 14 U.S. 78, 88 (1935); FAHEY V.
 15 CONNECTICUT 375 U.S. 85, 86, 87 (1963)

16 U.S. V. BURR F. CAS 3036 (1807)
 17 U.S. EX. REL THOMPSON V. DYE 221
 18 F.163, 165 (1955); PETER V. KIFF 407
 19 U.S. 493 (1972); ASHLEY V. TEXAS 319
 20 F.2d 80 CAS (1963); ENGEL V. ISAWIC
 21 456 U.S. 107, 133, 134 (1982)

22 BLAKE V. ZANT, 513 F. SUPP 772
 23 (1981); BURGER V. ZANT 467 U.S. 1212
 24 1213 (1984); FRANCIS V. FRANKLIN
 25 471 U.S. 307 (1985); HOLLOWAY V.

26 ARKANSAS 435 U.S. 475, 482 (1978)
 27 CUTTER V. SULLIVAN; 446 U.S. 335, 348
 28 (1980); GLASSER V. U.S. 315 U.S. 60, 92

2 (7). ATTENTION UNITED STATES
3 DISTRICT COURT FOR THE EASTERN
4 DISTRICT; "CLERK(S)" PLAINTIFF
5 MOVE AND/OR COMPEL THE ABOVE
6 COURT CASES "JUDGES" TO GRANT
7 RELIEF HE SEEK IN THE NAME
8 OF JUSTICE
9

10 Submission DATE: 7-13-2022
11 Signed: Min Min Hn.
12 The Poet
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